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CHURCH OF SCIENTOLOGY OF CALIFORNIA

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY OF CALIFORNIA,	)	No. C 420 153
)	
Plaintiff,	)	DECLARATION OF JOHN G. PETERSON IN RESPONSE TO CROSS-
	)	COMPLAINANT'S OPPOSITION TO
v.	)	MOTION FOR ISSUANCE OF
	)	COMMISSIONS TO TAKE DEPOSITION
GERALD ARMSTRONG, et al.,	)	OUTSIDE CALIFORNIA AND MOTION
	)	FOR ISSUANCE OF LETTERS
Defendants.	)	ROGATORY AND IN RESPONSE TO
	)	DECLARATION OF GERALD
	)	ARMSTRONG
AND RELATED CROSS-ACTION.)	
)	

I, JOHN G. PETERSON, declare as follows:

1. I am an attorney at law licensed to practice before all the Courts of the State of California and counsel of record for Cross-Defendant Church of Scientology of California. The statements made herein are given of my own personal knowledge and, if called as a witness, I can and will testify competently thereto.

2. Armstrong's Opposition to Motion for Issuance of Commissions to Take Depositions Outside California requests that no commission be issued for the deposition of Sara Knowles in Boston, and that the commissions for Ron Wade and Garry McMurry be amended. Armstrong also opposes the issuance of commissions to take the depositions of Robert Armstrong,

1 Cross-Defendant doing discovery. Armstrong filed an \$80
2 million case and put in issue his mental and physical states.
3 Cross-Defendant has the right to protect itself from this
4 attack on its Church coffers by legitimate discovery from
5 those people who supposedly know and knew Armstrong best --
6 his family. He calls these depositions harassment; I call
7 his meritless case harassment and discovery will show that
8 the only periods of his life that he lived without drugs,
9 crime or deviant, aberrated behavior was while he was in
10 Scientology.

11 4. The stated bases for opposing the deposition of Sara
12 Knowles are that Ms. Knowles is not capable of providing
13 meaningful testimony and that Armstrong knows her only through
14 "his capacity of [sic] an employee of Flynn, Joyce &
15 Sheridan." Although Armstrong here claims employment by Flynn,
16 Flynn's secretary, Lorna Turcotte Doherty, testified earlier
17 this month in deposition that Armstrong was not employed by
18 Flynn but was rather an individual sub-contractor.
19 Armstrong's Opposition admits that Ms. Knowles knows him, and
20 that she knows him in the type of personal and social context
21 which his taking care of her home and personal matters would
22 necessarily entail. Her testimony as to his present
23 abilities and duties is obviously relevant to Armstrong's
24 damages claims. Moreover, in 1980 or 1981, Ms. Knowles
25 telephoned Michael Flynn's office, and left a message "Re: P.
26 Cooper and Scient[ology]. Talked to Jeff White [her financial
27 advisor]. Is interested but wants to review extent of
28 involvement." Flynn manages Ms. Knowles financial matters

1 and, in light of Ms. Knowles' earlier interest in
2 Scientology-related litigation, it is likely that Armstrong
3 has discussed aspects of the current action with her. Any
4 such statements made by Armstrong to Ms. Knowles would be
5 highly relevant. Her deposition should not be denied.

6 5. The Church has no objection to taking Ron Wade's
7 deposition on Saturday, October 25, 1986 rather than on
8 October 23, 1986, as is currently requested in the Motion
9 before this Court. However, the Church is not willing to begin
10 the deposition of Garry McMurry at 2:00 p.m. and conclude it
11 on the same business day, rather than at 10:00 a.m., on
12 October 24, 1986. Armstrong was in Portland, Oregon for
13 approximately four months in the Spring of 1985. He worked
14 closely, on a daily basis with both Wade and McMurry. Arm-
15 strong additionally lived on McMurry's property during his
16 stay in Portland. McMurry's knowledge of Armstrong's
17 emotional and mental state, duties, work performance, train-
18 ing, and capabilities during that time period is highly rele-
19 vant to Armstrong's damages claims against the Church. His
20 testimony cannot be limited in advance to three hours or less.

21 6. Armstrong's Opposition to Motion for Issuance of
22 Letters Rogatory and Commissions to Take Depositions in the
23 Province of British Columbia, Canada requests that this Court
24 not issue letters rogatory and commissions for the depositions
25 of Robert Armstrong, Rodney Antrobus and Leonard Howe.

26 7. The stated basis for Armstrong's request with respect
27 to Robert Armstrong, his father, is that Mr. Armstrong is
28 elderly and in poor health. My client is willing to

1 accommodate Mr. Armstrong's needs, even to the extent of
2 taking Mr. Armstrong's testimony in his own home or where most
3 convenient to him, and to allowing breaks as necessary.

4 Armstrong's own prior testimony indicates that he experienced
5 upsets with his father, with the two of them literally
6 engaging in physical battles and resulting in his father and
7 mother sending Armstrong to a psychiatrist for treatment. Mr.
8 Armstrong's testimony concerning his son's attitudes, behavior,
9 emotional states, and statements or admissions both prior to
10 and during Scientology are vital to Armstrong's damages
11 claims. Dr. Newcombe's letter simply says that Mr. Armstrong
12 is an elderly man who is debilitated and has some physical
13 ailments and feels it is "unlikely" he could give a meaningful
14 deposition. Ill and injured people give depositions all the
15 time and unless he is mentally incapable, we are entitled to
16 his deposition within his physical limitations. No one else
17 has the knowledge available to Mr. Armstrong as Cross-
18 Complainant's father, and it would be highly prejudicial to
19 deny the Church the right to defend itself by obtaining this
20 evidence.

21 8. Armstrong's Opposition also claims that the
22 depositions of Leonard Howe and Rodney Antrobus are "part of a
23 'fishing expedition'", and seeks denial of those depositions
24 as irrelevant. Howe and Antrobus were both Armstrong's
25 friends in the mid- to late-1960's, the period just prior to
26 Armstrong's entry into Scientology. Their involvement with
27 Armstrong during these years, when he engaged in acts such as
28 auto theft, breaking and entering, illegal drug use, and

1 public intoxication, is vital not only to Armstrong's damages
2 claims but also to his credibility as a witness in the present,
3 particularly where Armstrong has denied some of these actions
4 under oath in Church-related litigation. Armstrong complains
5 that their knowledge and information is over 20 years old.
6 This Court had no difficulty in making value judgments and
7 allowing Armstrong to testify concerning Mr. Hubbard based on
8 Armstrong's interpretations of events which occurred as much
9 as sixty years ago. Justice demands that the jury in this
10 case be allowed to form its judgment based on evidence given
11 by witnesses with personal knowledge such as Howe and
12 Antrobus. Beverly Hills Natl. Bank v. Superior Court (1961)
13 195 Cal.App.2d 861, 865, held that: "A denial of the taking
14 of a deposition at all is, of course, the ultimate in
15 protective orders. In view of the unlimited right of
16 discovery . . . situations will seldom arise where an order
17 that the deposition shall not be taken will be appropriate.
18 Such an order may not be made except for 'good cause' and a
19 strong showing is required before a party will be denied
20 entirely the right to take a deposition."

21 9. Gerald Armstrong has filed an eleven page, rambling
22 "declaration" supposedly to point out that his "B-1" file that
23 was produced was incomplete. He addresses this point only
24 sporadically. In the rest of the "declaration" he appears to
25 be trying to bolster his meritless cross-complaint and impress
26 this Court with his complete psychotic breakdown and wild
27 unsupported paranoia. EXHIBIT 5 PAGE 22

28 10. Gerald Armstrong was never in the Information Bureau

1 of the Guardian's Office. He does not know what was contained
2 in "B-1" files and he does not know what was, is or should be
3 in his "B-1" file. He is claiming that the Church, its
4 attorneys and private investigators are doing things to him,
5 that documents must exist to support these wild claims and
6 therefore, that these purported documents are in his "B-1"
7 file.

8 11. The declarant should state facts upon which he bases
9 his claim that these purported documents are or should be in
10 his "B-1" file. He states no facts but only his speculations.
11 It is clear that neither Gerald Armstrong nor this Court can
12 order Cross-Defendant to produce documents that do not exist
13 and documents that are not in the "B-1" file.

14 12. Gerald Armstrong's "Declaration" is a transparent
15 attempt to poison an already biased court with his irrelevant
16 accusations and claims regarding Cross-Defendant. In this
17 declaration about his "B-1" file, Armstrong rants and rambles
18 on about the Christofferson case, Church of Scientology of
19 California's financial condition from the Wollersheim case,
20 the Paulette Cooper case, Op Freakout, Juggernaut, "a paid-off
21 dirty cop", "a bevy of PIs", graphologists and ASI, RTC, OSA
22 (US and Int), CMO and WDC. After twaddling on with all of
23 this irrelevant unsupported jibberish for page after page,
24 trying to demonstrate to this Court that he is totally mad;
25 he takes that final step into the "Twilight Zone" when he
26 claims: "it [the Church] raised me in importance to its
27 number one or two enemy." This illusion of grandeur is as
28 ridiculous as his claims.

1 13. Gerry Armstrong was a low level file clerk assigned
2 to file, and to put documents together for transmission to Omar
3 Garrison. Being unable to handle that simple job, he crawled
4 away in 1981. He did not gain importance, but notoriety
5 because he stole documents that had been entrusted to his
6 care. No one cared that he left the Church or cared if they
7 ever heard from or saw him since he had failed at every job he
8 had while in the Church. The attention he was given after he
9 left was only because he had in his possession the documents
10 he stole. The Church never directed any activities or actions
11 toward Armstrong but only towards locating its documents.
12 Once the documents were located and returned to the court the
13 private investigators stopped their legal peaceful
14 surveillance; however, it appears Armstrong's paranoia has
15 never stopped. Armstrong dreams up all of these "operations"
16 and international intrigue because he feels secure that this
17 Court's prejudice against Scientology will allow him to make
18 any outrageous unsupported claim and it will be believed.
19 After all, it worked once. This Court found that it was okay
20 to steal private confidential documents and use them in an \$80
21 million cross-complaint if Armstrong "thought" that Cross-
22 Defendant might sue or attack him.

23 14. Armstrong and his counsel for over a year have told
24 this Court that they needed his preclear folders and his "B-1"
25 file to show that the Church took confidential embarrassing
26 material from the preclear folders and used it against him.
27 After all, this was supposed to be an issue in this case. Yet
28 in Armstrong's "Declaration" he does not mention anything

1 about preclear folder "culling" or how the information may
2 have been divulged. Now is the time for this Court to
3 realize that the Church never divulged confidential
4 preclear folder data about Armstrong outside the
5 ecclesiastical structure and it was never used against him.
6 Instead the Church has pursued every legal avenue to protect
7 the confidentiality of the preclear folder data. Armstrong
8 is not interested in pursuing the claims pled in this case,
9 but in using the Court to help in his psychotic vendetta to
10 destroy the Church and boost his ego as Church public "enemy
11 number one" (or two).

12 15. It is time that this Court recognizes what Armstrong
13 is trying to do. If this Court is to maintain any semblance of
14 integrity and justice this foolishness must stop. To allow it
15 to continue only shows improper judicial involvement. This
16 "declaration" was supposed to be a statement telling factually
17 why Armstrong had knowledge that his "B-1" file may have been
18 incomplete. Nowhere does Armstrong discuss facts or the
19 factual basis for his knowledge, but spews poison like a crazed
20 viper. His attorney should not have allowed this thing called
21 a "declaration" to be filed with the Court and should be
22 sanctioned under C.C.P. § 128.5.

23 16. This matter is simple. Cross-Defendant has complied
24 with C.C.P. § 2031 by producing all Guardian's Office files
25 pertaining to Gerald Armstrong. The extent of the search and

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